

## SENATE BILL No. 324

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-12-70-2; IC 20-18-2-22; IC 20-26-13-11; IC 20-27-9-6; IC 20-28-8; IC 20-33-2; IC 21-2-15-4; IC 34-30-2-85.2; IC 36-1-12-4.

**Synopsis:** Various education matters. Allows the use of school-owned buses for nonprofit organizations under certain conditions. Allows school corporations to independently contract for school nurses and other certified or licensed personnel to provide student services and health services. Removes the requirement that a school nurse must have a bachelor's degree in nursing. Makes statutes governing nonrenewal of contracts applicable to assistant superintendents, principals, assistant principals, and directors of special education consistent with statutes governing the nonrenewal of a superintendent's contract. Increases the cost of public works projects subject to the bidding process. Allows payment of skilled maintenance personnel salaries and fringe benefits from the capital projects fund for all school corporations without limitations. Allows up to one year or the school corporation's next budget year for school corporations to abate school building inspection violations. Removes the requirement for state and local attendance officers. Extends eligibility for the twenty-first century scholars program to students in grade 6. Repeals superseded compulsory school attendance provisions.

**Effective:** July 1, 2006.

### Alting

January 10, 2006, read first time and referred to Committee on Education and Career Development.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## SENATE BILL No. 324

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 20-12-70-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "eligible student" means a student who meets the following requirements:

(1) Is a resident of Indiana.

(2) Is enrolled in:

**(A) for the 2006-2007 school year, in grade 6, 7, or 8; and**

**(B) for the 2007-2008 school year and each subsequent school year, grade 8 grade 6;**

at a public or an accredited nonpublic school.

(3) Is eligible for free or reduced priced lunches under the national school lunch program.

(4) Agrees in writing, together with the student's custodial parents or guardian, that the student will:

(A) graduate from a secondary school located in Indiana that meets the admission criteria of an institution of higher learning;



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(B) not illegally use controlled substances (as defined in IC 35-48-1-9);

(C) not commit a crime or infraction described in IC 9-30-5;

(D) not commit any other crime or delinquent act (as described in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their repeal));

(E) when the eligible student is a senior in high school, timely apply:

(i) to an institution of higher learning for admission; and

(ii) for any federal and state student financial assistance available to the eligible student to attend an institution of higher learning; and

(F) achieve a cumulative grade point average upon graduation of at least 2.0 on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12.

SECTION 2. IC 20-18-2-22, AS ADDED BY P.L.246-2005, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) "Teacher" means a professional person whose position in a school corporation requires certain educational preparation and licensing.

(b) For purposes of IC 20-28, the term includes the following:

(1) A superintendent.

(2) A supervisor.

(3) A principal.

~~(4) An attendance officer.~~

~~(5) (4)~~ A teacher.

~~(6) (5)~~ A librarian.

SECTION 3. IC 20-26-13-11, AS ADDED BY P.L.242-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) A student who has left school is not included in clauses (A) through (J) of STEP FIVE of the formula established in section 10 of this chapter unless the school corporation can provide written proof that the student has left the school for one (1) of the reasons set forth in clauses (A) through (J) of STEP FIVE of section 10 of this chapter. If the location of the student is unknown to the school, the principal of the school shall send a certified letter to the last known address of the student, inquiring about the student's whereabouts and status. If the student is not located after the certified letter is delivered or if no response is received, the principal may submit the student's information, including last known address, parent

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or guardian name, student testing number, and other pertinent data to the state attendance ~~officer~~ **official**. The state attendance ~~officer~~ **official**, using all available state data and any other means available, shall attempt to locate the student and report the student's location and school enrollment status to the principal so that the principal can appropriately send student records to the new school or otherwise document the student's status.

(b) If a school corporation cannot provide written proof that a student should be included in clauses (A) through (J) of STEP FIVE of section 10 of this chapter, the student is considered a dropout.

SECTION 4. IC 20-27-9-6, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) In addition to the exemptions granted in this chapter and notwithstanding section 16 of this chapter, a school corporation may allow a school bus operated under a fleet or transportation contract and not owned in whole or in part by a public agency to be used for the transportation of a group or an organization for any distance, if that group or organization agrees to maintain the condition of the school bus and to maintain order on the school bus while in use.

(b) When authorizing transportation described in subsection (a), the school corporation shall require the owner of the school bus to:

- (1) obtain written authorization of the superintendent of the contracting school corporation;
- (2) clearly identify the school bus with the name of the sponsoring group; and
- (3) provide proof to the superintendent and the sponsoring group of financial responsibility, as required by IC 9-25 and IC 20-27-5-9 for the transportation.

(c) The governing body of a school corporation may allow, by written authorization, the use of a school bus owned in whole or in part by the school corporation for the transportation needs of:

- (1) a fair or festival operated by or affiliated with a nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code; **or**
- (2) **any nonprofit organization exempt from federal taxation under Section 501 (c)(3) through 501(c)(7) of the Internal Revenue Code.**

**(d) When authorizing transportation described in subsection (c), the school corporation may only charge the organization for gasoline.**

SECTION 5. IC 20-28-8-3, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,

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2006]: Sec. 3. (a) Before February 1 of the year during which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire, the governing body of the school corporation, or an employee at the direction of the governing body, shall give written notice of renewal or refusal to renew the individual's contract for the ensuing school year.

(b) If notice is not given before February 1 of the year during which the contract is due to expire, the contract then in force shall be reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the assistant superintendent, the principal, or the assistant principal and the governing body. An assistant superintendent, a principal, or an assistant principal's contract terminates only on the following dates and under the following conditions:

(1) On any date, if the governing body and the assistant superintendent, principal, or assistant principal mutually consent.

(2) Before the expiration date set forth in the contract, if the governing body terminates the contract for cause under a statute that sets forth causes for dismissal of teachers. However, the governing body must give the assistant superintendent, principal, or assistant principal proper notice and, if the assistant superintendent, principal, or assistant principal requests a hearing at least ten (10) days before the termination, must grant the assistant superintendent, principal, or assistant principal a hearing at an official meeting of the governing body.

(3) On the expiration date set forth in the contract, if the governing body not later than January 1 of the year in which the contract expires gives notice to the assistant superintendent, principal, or assistant principal in writing, delivered in person or by registered mail.

(4) On the expiration date set forth in the contract, if the assistant superintendent, principal, or assistant principal not later than January 1 of the year in which the contract expires gives proper notice in writing to the governing body.

(b) If the governing body fails to give a termination notice under subsection (a), the assistant superintendent, principal, or assistant principal's contract is extended for twelve (12) months following the expiration date of the contract.

SECTION 6. IC 20-28-8-11, AS ADDED BY P.L.1-2005,

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SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) ~~Before February 1 of the year during which the contract of a local director is due to expire, the managing body, or an employee at the direction of the managing body, shall give written notice of renewal or refusal to renew the local director's contract for the ensuing school year.~~

(b) ~~If notice is not given before February 1 of the year during which the contract is due to expire, the contract then in force is reinstated only for the ensuing school year.~~

(c) ~~This section does not prevent the modification or termination of a contract by mutual agreement of the local director and the managing body. A local director's contract terminates only on the following dates and under the following conditions:~~

(1) ~~On any date, if the governing body and the local director mutually consent.~~

(2) ~~Before the expiration date set forth in the contract, if the governing body terminates the contract for cause under a statute that sets forth causes for dismissal of teachers. However, the governing body must give the local director proper notice and, if the local director requests a hearing at least ten (10) days before the termination, must grant the local director a hearing at an official meeting of the governing body.~~

(3) ~~On the expiration date set forth in the contract, if the governing body not later than January 1 of the year in which the contract expires gives notice to the local director in writing, delivered in person or by registered mail.~~

(4) ~~On the expiration date set forth in the contract, if the local director not later than January 1 of the year in which the contract expires gives proper notice in writing to the governing body.~~

(b) ~~If the governing body fails to give a termination notice under subsection (a), the local director's contract is extended for twelve (12) months following the expiration date of the contract.~~

SECTION 7. IC 20-33-2-18, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) If a parent of a student does not send the student to school because of the student's illness or mental or physical incapacity, it is unlawful for the parent to fail or refuse to produce a certificate of the illness or incapacity for ~~an attendance officer a school administrator or the school administrator's designee~~ not later than six (6) days after the certificate is demanded.

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(b) The certificate required under this section must be signed by:

- (1) an Indiana physician;
- (2) an individual holding a license to practice osteopathy or chiropractic in Indiana; or
- (3) a Christian Science practitioner who resides in Indiana and is listed in the Christian Science Journal.

SECTION 8. IC 20-33-2-20, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) An accurate daily record of the attendance of each student who is subject to compulsory school attendance under this chapter shall be kept by every public and nonpublic school.

(b) In a public school, the record shall be open at all times for inspection by:

- ~~(1) attendance officers;~~
- ~~(2) (1) school officials; and~~
- ~~(3) (2) agents of the department of labor; and~~
- (3) agents of the department of education.**

Every teacher shall answer fully all lawful inquiries made by an ~~attendance officer~~, a school official, **an agent of the department of education**, or an agent of the department of labor.

(c) In a nonpublic school, the record shall be required to be kept solely to verify the enrollment and attendance of a student upon request of the:

- (1) state superintendent; or
- (2) superintendent of the school corporation in which the nonpublic school is located.

SECTION 9. IC 20-33-2-23, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) Each school ~~attendance officer~~, **administrator (or the administrator's designee)**, sheriff, marshal, and police officer in Indiana may take into custody any child who:

- (1) is required to attend school under this chapter; and
- (2) is found during school hours, unless accompanied:
  - (A) by a parent; or
  - (B) with the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age; in a public place, in a public or private conveyance, or in a place of business open to the public.

(b) When an officer **or administrator (or administrator's designee)** takes a child into custody under this section, the officer **or administrator (or administrator's designee)** shall immediately deliver the child to the principal of the public or nonpublic school in

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which the child is enrolled. If a child is not enrolled in any school, then the officer **or administrator (or administrator's designee)** shall deliver the child into the custody of the principal of the public school in the attendance area in which the child resides. If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.

(c) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

SECTION 10. IC 20-33-2-25, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. The superintendent or ~~an attendance officer~~ **a school administrator (or the school administrator's designee)** having jurisdiction may report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court. The intake officer shall proceed in accord with IC 31-30 through IC 31-40.

SECTION 11. IC 20-33-2-26, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) It is the duty of each:

(1) superintendent;

~~(2) attendance officer; and~~

~~(3) state attendance official;~~

**(2) school administrator (or school administrator's designee);**

to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter.

(b) An affidavit against a parent for a violation of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.

(c) An affidavit under this section shall be filed in the circuit court of the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

SECTION 12. IC 20-33-2-47, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 47. (a) A school corporation may develop and implement a system of notifying the parent of a student when:

(1) the student fails to attend school; and

(2) the student does not have an excused absence for that day.

(b) A school corporation or an accredited nonpublic school shall

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report to the local health department **and the department of education** the percentage of student absences above a threshold determined by the department by rule adopted under IC 4-22-2.

(c) If a school corporation implements a notification system under this chapter, the ~~attendance officer or the attendance officer's designee~~ **school administrator (or the school administrator's designee)** shall make a reasonable effort to contact by telephone the parent of each student who has failed to attend school and does not have an excused absence for that day.

(d) If ~~an attendance officer or an attendance officer's designee a~~ **school administrator (or the school administrator's designee)** has made a reasonable effort to contact a parent under subsection (c), the school corporation is immune from liability for any damages suffered by the parent claimed because of failure to contact the parent.

SECTION 13. IC 21-2-15-4, AS AMENDED BY P.L.246-2005, SECTION 189, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) As used in this subsection, "calendar year distribution" means the sum of:

(1) all distributions to a school corporation under:

- (A) IC 6-1.1-19-1.5;
- (B) IC 21-1-30;
- (C) IC 21-3-1.7;
- (D) IC 21-3-2.1; and
- (E) IC 21-3-12;

for the calendar year; plus

(2) the school corporation's excise tax revenue (as defined in IC 21-3-1.7-2) for the immediately preceding calendar year.

(b) A school corporation may establish a capital projects fund.

(c) With respect to any facility used or to be used by the school corporation (other than a facility used or to be used primarily for interscholastic or extracurricular activities, except as provided in subsection (j)), the fund may be used to pay for the following:

- (1) Planned construction, repair, replacement, or remodeling.
- (2) Site acquisition.
- (3) Site development.
- (4) Repair, replacement, or site acquisition that is necessitated by an emergency.

(d) The fund may be used to pay for the purchase, lease, repair, or maintenance of equipment to be used by the school corporation (other than vehicles to be used for any purpose and equipment to be used primarily for interscholastic or extracurricular activities, except as provided in subsection (j)).

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(e) The fund may be used for any of the following purposes:

(1) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:

(A) Computer hardware.

(B) Computer software.

(C) Wiring and computer networks.

(D) Communication access systems used to connect with computer networks or electronic gateways.

(2) To pay for the services of full-time or part-time computer maintenance employees.

(3) To conduct nonrecurring inservice technology training of school employees.

(4) To fund the payment of advances, together with interest on the advances, from the common school fund for educational technology programs under IC 21-1-5.

(5) To fund the acquisition of any equipment or services necessary:

(A) to implement the technology preparation curriculum under IC 20-30-12;

(B) to participate in a program to provide educational technologies, including computers, in the homes of students (commonly referred to as "the buddy system project") under IC 20-20-13-6, the 4R's technology program under IC 20-20-15-4, or any other program under the educational technology program described in IC 20-20-13; or

(C) to obtain any combination of equipment or services described in clauses (A) and (B).

(f) The fund may be used to purchase:

(1) building sites;

(2) buildings in need of renovation;

(3) building materials; and

(4) equipment;

for the use of vocational building trades classes to construct new buildings and to remodel existing buildings.

(g) The fund may be used for leasing or renting of existing real estate, excluding payments authorized under IC 21-5-11 and IC 21-5-12.

(h) The fund may be used to pay for services of the school corporation employees that are bricklayers, stone masons, cement masons, tile setters, glaziers, insulation workers, asbestos removers, painters, paperhangers, drywall applicators and tapers, plasterers, pipe fitters, roofers, structural and steel workers, metal building assemblers,

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heating and air conditioning installers, welders, carpenters, electricians, or plumbers, as these occupations are defined in the United States Department of Labor, Employment and Training Administration, Dictionary of Occupational Titles, Fourth Edition, Revised 1991, if:

(1) the employees perform construction of, renovation of, remodeling of, repair of, or maintenance on the facilities and equipment specified in subsections (b) and (c);

~~(2) the school corporation's total annual salary and benefits paid by the school corporation to employees described in this subsection are at least six hundred thousand dollars (\$600,000);~~ and

~~(3)~~ (2) the payment of the employees described in this subsection is included as part of the proposed capital projects fund plan described in section 5(a) of this chapter.

However, the number of employees that are covered by this subsection is limited to the number of employee positions described in this subsection that existed on January 1, 1993. For purposes of this subsection, maintenance does not include janitorial or comparable routine services normally provided in the daily operation of the facilities or equipment.

(i) The fund may be used to pay for energy saving contracts entered into by a school corporation under IC 36-1-12.5.

(j) Money from the fund may be used to pay for the construction, repair, replacement, remodeling, or maintenance of a school sports facility. However, a school corporation's expenditures in a calendar year under this subsection may not exceed five percent (5%) of the property tax revenues levied for the fund in the calendar year.

(k) Money from the fund may be used to carry out a plan developed under IC 16-41-37.5.

(l) This subsection applies during the period beginning January 1, 2006, and ending December 31, 2007. Money from the fund may be used to pay for up to one hundred percent (100%) of the following costs of a school corporation:

(1) Utility services.

(2) Property or casualty insurance.

(3) Both utility services and property or casualty insurance.

A school corporation's expenditures under this subsection may not exceed in 2006 two and seventy-five hundredths percent (2.75%) and in 2007 three and five-tenths percent (3.5%) of the school corporation's 2005 calendar year distribution.

SECTION 14. IC 34-30-2-85.2, AS AMENDED BY P.L.1-2005, SECTION 221, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2006]: Sec. 85.2. IC 20-33-2-47(d) (Concerning ~~attendance officer or officer's designee~~ **a school administrator or the school administrator's designee** for failure to contact a parent or guardian regarding a student's absences).

SECTION 15. IC 36-1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This section applies whenever the cost of a public work project will be:

(1) at least ~~seventy-five thousand dollars (\$75,000)~~ **one hundred fifty thousand dollars (\$150,000)** in:

(A) a consolidated city or second class city;

(B) a county containing a consolidated city or second class city; or

(C) a regional water or sewage district established under IC 13-26;

(2) at least ~~fifty thousand dollars (\$50,000)~~ **seventy-five thousand dollars (\$75,000)** in:

(A) a third class city or town with a population of more than five thousand (5,000); or

(B) a county containing a third class city or town with a population of more than five thousand (5,000); or

(3) at least ~~twenty-five thousand dollars (\$25,000)~~ **fifty thousand dollars (\$50,000)** in a political subdivision or an agency not described in subdivision (1) or (2).

(b) The board must comply with the following procedure:

(1) The board shall prepare general plans and specifications describing the kind of public work required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by IC 8-14-2-1) of a road, street, or bridge, the specifications must show how the weight or volume of the materials will be accurately measured and verified.

(2) The board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by subdivision (3).

(3) Upon the filing of the plans and specifications, the board shall publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed.

(4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids.

(5) The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board, but it may not

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1 be more than six (6) weeks.

2 (6) If the cost of a project is one hundred thousand dollars  
3 (\$100,000) or more, the board shall require the bidder to submit  
4 a financial statement, a statement of experience, a proposed plan  
5 or plans for performing the public work, and the equipment that  
6 the bidder has available for the performance of the public work.  
7 The statement shall be submitted on forms prescribed by the state  
8 board of accounts.

9 (7) The board may not require a bidder to submit a bid before the  
10 meeting at which bids are to be received. The meeting for  
11 receiving bids must be open to the public. All bids received shall  
12 be opened publicly and read aloud at the time and place  
13 designated and not before.

14 (8) Except as provided in subsection (c), the board shall:

15 (A) award the contract for public work or improvements to the  
16 lowest responsible and responsive bidder; or

17 (B) reject all bids submitted.

18 (9) If the board awards the contract to a bidder other than the  
19 lowest bidder, the board must state in the minutes or memoranda,  
20 at the time the award is made, the factors used to determine which  
21 bidder is the lowest responsible and responsive bidder and to  
22 justify the award. The board shall keep a copy of the minutes or  
23 memoranda available for public inspection.

24 (10) In determining whether a bidder is responsive, the board may  
25 consider the following factors:

26 (A) Whether the bidder has submitted a bid or quote that  
27 conforms in all material respects to the specifications.

28 (B) Whether the bidder has submitted a bid that complies  
29 specifically with the invitation to bid and the instructions to  
30 bidders.

31 (C) Whether the bidder has complied with all applicable  
32 statutes, ordinances, resolutions, or rules pertaining to the  
33 award of a public contract.

34 (11) In determining whether a bidder is a responsible bidder, the  
35 board may consider the following factors:

36 (A) The ability and capacity of the bidder to perform the work.

37 (B) The integrity, character, and reputation of the bidder.

38 (C) The competence and experience of the bidder.

39 (12) The board shall require the bidder to submit an affidavit:

40 (A) that the bidder has not entered into a combination or  
41 agreement:

42 (i) relative to the price to be bid by a person;

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- 1 (ii) to prevent a person from bidding; or  
 2 (iii) to induce a person to refrain from bidding; and  
 3 (B) that the bidder's bid is made without reference to any other  
 4 bid.

5 (c) Notwithstanding subsection (b)(8), a county may award sand,  
 6 gravel, asphalt paying materials, or crushed stone contracts to more  
 7 than one (1) responsible and responsive bidder if the specifications  
 8 allow for bids to be based upon service to specific geographic areas and  
 9 the contracts are awarded by geographic area. The geographic areas do  
 10 not need to be described in the specifications.

11 SECTION 16. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 12 JULY 1, 2006]: IC 20-33-2-31; IC 20-33-2-32; IC 20-33-2-33;  
 13 IC 20-33-2-34; IC 20-33-2-35; IC 20-33-2-36; IC 20-33-2-37;  
 14 IC 20-33-2-38; IC 20-33-2-39; IC 20-33-2-40; IC 20-33-2-41;  
 15 IC 20-33-2-42; IC 20-33-2-43.

16 SECTION 17. [EFFECTIVE JULY 1, 2006] (a) As used in this  
 17 SECTION, "state board" refers to the Indiana state board of  
 18 education established by IC 20-19-2-2.

19 (b) The state board shall adopt rules to amend the personnel  
 20 and health services rules adopted by the state board and codified  
 21 at 511 IAC 4-1.5. The state board shall adopt rules required by this  
 22 subsection in the same manner as emergency rules are adopted  
 23 under IC 4-22-2-37.1. The rules adopted by the state board under  
 24 this subsection must allow a school corporation to enter into an  
 25 independent contract with an individual who holds at least:

- 26 (1) an associate degree or license in nursing; or  
 27 (2) a certificate or license issued by a professional  
 28 organization or by an agency of the state;  
 29 to provide student serves or health services. The rules adopted  
 30 under this subsection expire on the date the rules are adopted by  
 31 the state board under IC 4-22-2, or January 1, 2007, whichever is  
 32 earlier.

33 SECTION 18. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding  
 34 any other law, if, as a result of an inspection of a school building  
 35 under IC 22-14-2-11, the state fire marshal, or the fire marshal's  
 36 designee, determines that there is a safety violation, a school  
 37 corporation may be allowed a reasonable time for the abatement  
 38 of the violation up to a year following the determination or the  
 39 school corporation's next budget year, whichever is earlier.

40 (b) The expense of the abatement may be paid out of funds  
 41 appropriated for such purposes within the next budget year  
 42 following a violation determination described under subsection (a).

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1       SECTION 19. **An emergency is declared for this act.**

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